

# BIOLOGICAL RESOURCES

## CONDITIONS OF CERTIFICATION

**BIO-1** The project will avoid all impacts to legally protected species and their habitat on site, adjacent to the site and along the right-of-way for linear facilities.

**BIO-2** The project will avoid all impacts to designated critical habitat (wetlands, vernal pools, riparian habitat, preserves) on site or adjacent to the site.

**BIO-3** The project will avoid all impacts to locally designated sensitive species and protected areas.

**BIO-4** The project will reduce risk of large bird electrocution by electric transmission lines and any interconnection between structures, substations and transmission lines by using construction methods identified in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996" (APLIC 1996).

**BIO-5** The project biologist, a person knowledgeable of the local/regional biological resources, and CPM will have access to the site and linear rights-of-way at any time prior to and during construction and have the authority to halt construction in an area necessary to protect a sensitive biological resource at any time.

**BIO-6** Upon decommissioning the site, the biological resource values will be reestablished at pre-construction levels or better.

**Verification:** If the Designated Biologist halts construction, the action will be reported immediately to the CPM along with the recommended implementation actions to resolve the situation or decide that additional consultation is needed. Throughout construction, the project owner shall report on items one through six above if identified resources are found or impacted.

**BIO-7** A minimum of 5 days and no more than 30 days prior to the beginning of site mobilization, the project site, the natural gas pipeline route, and the electrical transmission line route must be surveyed by a qualified biologist in accordance with US Fish and Wildlife Service (USFWS) and California Department of Fish & Game (CDFG) protocol for nesting raptors and the sensitive species listed in of the TPP Project AFC.

**BIO-8** All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more

overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted.

**BIO-9      Designated Biologist:** Site mobilization shall not begin until a Staff approved Designated Biologist is available to be onsite.

Protocol: The Designated Biologist must meet the following minimum qualifications:

- A Bachelor's Degree in biological sciences, zoology, botany, ecology, or a closely related field;
- At least three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of American or The Wildlife Society;
- At least one year of field experience with biological resources found in or near the project area; and
- An ability to demonstrate to the satisfaction of the Staff are appropriate education and experience for the biological resources tasks that must be addressed during project construction.

If the Staff determines the proposed Designated Biologist to be unacceptable, the project owner shall submit another individual's name and qualifications for consideration. If the approved Designated Biologist needs to be replaced, the project owner shall obtain approval of a new Designated Biologist by submitting to the CPM the name, qualifications, address, and telephone number of the proposed replacement. No disturbance will be allowed in any designated sensitive areas until the CPM approves a new Designated Biologist and the new biologist is onsite.

**Verification:** Prior to the start of any site mobilization activities the project owner shall submit to the CPM for approval, the name, qualifications, address and telephone number of the individual selected by the project owner as the Designated Biologist. If a Designated Biologist is replaced, the information of the proposed replacement, as specified in the condition, must be submitted in writing prior to the termination or release of the preceding Designated Biologist.

**BIO-10**      The CPM approved Designated Biologist shall perform the following during project construction:

- Advise the Applicant's Construction Manager on the implementation of the Biological Resources Conditions;
- Supervise or conduct mitigation, monitoring and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as, wetlands and special status species; and
- Notify the Applicants and the CPM of non-compliance with any Biological Resources Conditions.

**Verification:** During project construction, the Designated Biologist shall maintain written records of the tasks described above, and summaries of these records shall be submitted along with the Monthly Compliance Reports to the CPM.

**BIO-11 BIOLOGICAL RESOURCES MITIGATION IMPLEMENTATION**

**AND MONITORING PLAN:** The Applicant shall submit to the CPM for review and approval a copy of the final Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and shall implement the measures identified in the plan. Any changes made to the adopted BRMIMP must be made in consultation with the CPM and USFWS.

**Protocol:** The final BRMIMP shall identify:

- All biological resources mitigation, monitoring, and compliance conditions included in the Energy Commission's Final Decision;
- All sensitive biological resources to be impacted, avoided, or mitigated by project construction, operation and closure;
- All mitigation measures identified through consultation with the USFWS;
- All required mitigation measures/avoidance strategies for each sensitive biological resource;
- Required habitat compensation strategy, including provisions for acquisition, enhancement and management, for any temporary and permanent loss of habitat for sensitive biological resources;
- All locations, on a map of suitable scale, of laydown areas and areas requiring temporary protection and avoidance during construction;
- Aerial photographs of all areas to be disturbed during project construction activities – one set prior to site disturbance and one set after completion of mitigation measures. Include planned

timing of aerial photography and a description of why times were chosen;

- Performance standards to be used to help decide if/when proposed mitigation is or is not successful;
- All performance standards and remedial measures to be implemented if performance standards are not met;
- A process for proposing plan modifications to the CPM and appropriate agencies for review and approval.

**Verification:** Prior to the start of any project-related ground disturbance activities, the project owner shall provide the CMP with the final version of the BRMIMP, and the CPM will determine the plan's acceptability. All modifications to the approved BRMIMP must be made only after consultation with the CPM, USFWS and CDFG. The project owner shall notify the CPM before implementing any CPM approved modifications to the BRMIMP.

Within 30 days after completion of project construction, the applicant shall provide to the CPM for review and approval, a written report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and which mitigation and monitoring plan items are still outstanding.

**BIO-12 HABITAT COMPENSATION:** To compensate for temporary, permanent, and incremental impacts to sensitive species habitat, the project owner will provide suitable habitat compensation funds from San Joaquin County approved HCP at a ratio of 1:1 for all permanent disturbance and a ratio of 0.2:1 for all temporary disturbance to habitats.

**Verification:** To account for inflation and other anticipated changes in habitat compensation costs, the project owner will consult with San Joaquin County and the CPM prior to the start of any project related ground disturbance, and San Joaquin County will identify the final cost per acre and total compensation amount. Once the final compensatory mitigation amount has been determined and prior to the start of any project related ground disturbance activities, the project owner will provide a Conservation Credit Certificate to the CPM that all habitat compensation funds have been provided to the appropriate HCP in San Joaquin County.

Within 90 days after completion of project related construction, the project owner shall provide aerial photographs to the CPM that were taken after construction. The project owner will also provide an analysis of the amount of any additional habitat disturbance. The CPM will notify the project owner of any additional funds required to compensate for any additional habitat disturbances

at the adjusted market value at the time of construction to acquire additional credits if necessary.